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Attorney for Plaintiff
Carla Perkins

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARLA PERKINS,

Plaintiff,

v.

ROTECH HEALTHCARE INC.,

Defendants.

CIVIL ACTION NO. C 04-05197 JCS

**STIPULATION AND [PROPOSED] ORDER
REGARDING CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

Scheduled Case Management Conference

Date: July 29, 2005
Time: 1:30 p.m.
Place: Courtroom A
Judge: The Hon. Joseph C. Spero

The parties to this action, Plaintiff Carla Perkins ("Perkins") and Defendant Rotech Healthcare Inc. ("Rotech"), jointly submit this Stipulation and Proposed Order hereby requesting that the Court continue the Case Management Conference date and the due date of the Joint Case Management Statement.

On April 26, 2005, this Court ordered that a further Case Management Conference in this matter be held on July 29, 2005 and an updated Joint Case Management

Statement be submitted on July 25, 2005. The Court also ordered the parties to complete mediation by July 25, 2005. The earliest date upon which the parties, their counsel, and the court-appointed mediator were all available for mediation was July 29, the same date of the further Case Management Conference. Accordingly, the parties respectfully request that the Case Management Conference be rescheduled to accommodate this scheduled mediation.

The parties have met and conferred through their undersigned counsel of record, and they have determined that the earliest date all counsel can be available for the Case Management Conference is August 12, 2005 at 1:30 p.m. Accordingly, the parties hereby stipulate by and through their undersigned counsel of record, and respectfully request, the Case Management Conference currently scheduled for July 29, 2005 at 1:30 p.m. be continued to August 12, 2005 and the updated Joint Case Management Statement due date be continued to August 8, 2005.

Dated: July 22, 2005

LATHAM & WATKINS LLP
Linda M. Inscoe

By Linda M. Inscoe /s/
Linda M. Inscoe
Attorneys for Defendant
Rotech Healthcare Inc.

Dated: July __, 2005

LAW OFFICES OF SUSAN RUBENSTEIN

By _____
Susan Rubenstein
Attorney for Plaintiff
Carla Perkins

PROPOSED ORDER

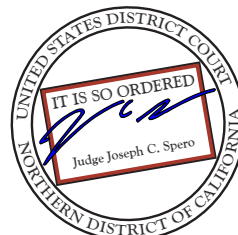
Having considered the parties' stipulation seeking a continuance of the Case Management Conference and the updated Joint Case Management Statement and finding good cause therefore, the Court rules as follows:

1. The Case Management Conference in this matter currently scheduled for July 29, 2005 is hereby vacated. The Case Management Conference will be heard on August 12, 2005 at 1:30 p.m.

2. The due date for the updated Joint Case Management Statement currently due on July 25, 2005 is hereby vacated. The updated Joint Case Management Statement will be due on August 8, 2005.

IT IS SO ORDERED.

DATED: Julv 26. 2005



BY: Honorable Joseph C. Spero